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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,799	10/24/2003	James E. Skavnak	19984.39	2034
32300	7590	03/31/2005	EXAMINER	
BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402			BOLLINGER, DAVID H	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>N</i> Office Action Summary	Application No.	Applicant(s)
	10/693,799	SKAVNAK, JAMES E.
	Examiner David H Bollinger	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3, 6-18, 20, 21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10-14 is/are allowed.
- 6) Claim(s) 1-3, 6-9, 15-18, 20, 21 and 24-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

1. During a telephone conversation on 10 March 2005 with applicant's representative it was brought to the examiner's attention that claims 10 through 18, 20, 21 and 24 through 26 were not treated in the final Office action mailed 26 January 2005. The examiner indicated that a new Office action treating claims 10 through 18, 20, 21 and 24 through 26 would be prepared. Accordingly, the rejection mailed 26 January 2005 is withdrawn in order to treat all pending claims on the merits. Any inconvenience resulting from the delay in treating claims 10 through 18, 20, 21 and 24 through 26 is deeply regretted.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 through 3, 6 through 9, 15 through 18, 20, 21 and 24 through 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 14-16 raise ambiguity as to the number of slots and helical feeder coils as these lines require at least two slots and helical feeder coils while previously in line 7 only a single slot is required and in line 10 only a single helical coil is required.

In claims 2, 3 and 6-9, it is unclear as to the number of slots and helical coils required. These claims require only a single slot and a single helical coil while lines 14-16 of claim 1 require at least two slots and helical coils.

Claim 7 is also indefinite because it depends from cancelled claim 4.

In claim 15 line 8, the terminology "the slot" lacks antecedent basis, as a "slot" has not been previously recited, therefore; the location of the slot and the relationship of the slot with the various other elements is unclear.

In claim 15 line 9, the terminology "the top surface" and "the bottom surface" lack antecedent basis as these surfaces have not been previously recited, therefore; their location and relationship with the various other elements is unclear.

In claim 16, the recitation "at least two helical feeder coils and two motors" raises ambiguity as to how many helical feeder coils and motors since claim 15 requires only a single helical feeder coil.

Claim 21 lines 6-8 raise ambiguity as to the number of helical feeder coils as these lines require at least two helical feeder coils while line 3 of claim 21 requires only a single feeder coil. Also, there is ambiguity as to the number of motors as lines 6-8 of claim 21 recite two motors while subsequently only a single motor is recited in line 9 of claim 21.

In claim 25 line 2, the terminology "the slot" lacks antecedent basis, therefore; the location of the slot and its relationship with the various other elements is unclear.

In claim 25 line 2, the terminology "the top surface" lacks antecedent basis and in lines 2-3 the terminology "the bottom surface" lacks antecedent basis. As a result, the location of these surfaces and their relationship with the various other elements is unclear.

In claim 26 line 1, the terminology "the slot" lacks antecedent basis and is indefinite for the same reason given above for such language in claim 25.

4. Claims 1 through 3, 6 through 9, 15 through 18, 20, 21 and 24 through 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. Claims 10 through 14 are allowed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David H. Bollinger
Primary Examiner 3/24/05
Art Unit 3653